

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA,
Plaintiff

v.

107 WEHRING LANE
ARANSAS PASS, TX 78336
Defendant

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CIVIL CASE NO. 2:18-CV-331

VERIFIED COMPLAINT FOR FORFEITURE IN REM

Plaintiff, the United States of America, by and through its United States Attorney for the Southern District of Texas and the undersigned Assistant United States Attorney, represents:

NATURE OF ACTION

1. This is a civil forfeiture action in rem brought under: (a) 18 U.S.C. § 981(a)(1)(A) which provides for the forfeiture of real property involved in a transaction or attempted transaction in violation of 18 U.S.C. §§ 1956, 1957 or 1960 or any property traceable to such property; (b) 21 U.S.C. § 881(a)(7) which provides for the forfeiture of all real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit or to facilitate the commission of a violation of Title II of the Controlled Substances Act, 21 U.S.C. § 801, et seq; (c) 18 U.S.C. § 981(a)(1)(C) incorporating 18 U.S.C. § 1956(c)(7)(A) and 18 U.S.C. § 1961(1) which provides for the forfeiture of real property which constitutes or is derived from proceeds traceable to any offense involving the felonious buying, selling, receiving,

importing or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), punishable under any law of the United States; and (d) 21 U.S.C. § 881(a)(6) which provides for the forfeiture of all proceeds traceable to an exchange for a controlled substance or listed chemical in violation of Title II of the Controlled Substances Act, 21 U.S.C. § 801, et seq.

JURISDICTION AND VENUE

2. This Court has subject-matter jurisdiction of this action pursuant to 28 U.S.C. §§ 1345 and 1355.

3. Venue is proper in the Southern District of Texas under 28 U.S.C. §§ 1355, 1391 and 1395.

DEFENDANT PROPERTY

4. The defendant is real property and improvements located at 107 Wehring Lane, Aransas Pass, TX 78336, with a legal description of: LOT FOUR (4), BLOCK THREE (3), DONNAN ACRES, AN ADDITION TO THE CITY OF ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS, ACCORDING TO MAP OR PLAT RECORDED IN VOLUME 11, PAGE 23, OF THE MAP RECORDS OF SAN PATRICIO COUNTY, TEXAS, and, which descriptions are incorporated herein by reference and hereafter referred to as the "Defendant Real Property."

5. The record owner of the Defendant Real Property is Jimmy C. Mullenax, and Cathy L. Mullenax.

6. The Defendant Real Property is located within this district and within the jurisdiction of the Court.

FACTS

7. Upon information and belief the United States of America alleges:

a. On March 14, 2018, Jimmy Curtis Mullenax, the son of the record owner of Defendant Real Property, was indicted by superseding indictment for Conspiracy to Possess With Intent to distribute More than 50 grams of methamphetamine (Cause No. 2:17CR735-S). During his plea of guilty, Mullenax admitted that he had been a methamphetamine dealer for several years beginning in at least 2012.

b. Defendant Real Property has been utilized by Jimmy Curtis Mullenax and his co-conspirators from at least 2014 to November 2017. On multiple occasions, large quantities of methamphetamine were sold at Defendant Real Property. On multiple occasions, large sums of currency were transferred in furtherance of illegal narcotics trafficking at Defendant Real Property.

c. On November 30, 2017, federal agents executed a search warrant at Defendant Real Property. They discovered five grams of methamphetamine in Defendant Real Property. They also discovered two grams of heroin and fifteen grams of methamphetamine in a Chevy Colorado truck parked at the property. The truck was determined to belong to Jimmy Curtis Mullenax.

NOTICE TO ANY POTENTIAL CLAIMANTS

YOU ARE HEREBY NOTIFIED that if you assert an interest in the Defendant Real Property which is subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The verified claims must be filed no later than thirty-five (35) days from the date this Complaint has been sent in accordance with Rule G(4)(b).

An answer or motion under Rule 12 of the Federal Rules of Civil Procedure must be filed no later than twenty-one (21) days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas and a copy must be served upon the undersigned Assistant United States Attorney at the address provided in this Complaint.

PRAYER

WHEREFORE, the United States of America prays that judgment of forfeiture be entered against the Defendant Real Property in favor of the United States of America and for such costs and other relief to which the United States of America may be entitled.

Respectfully submitted,

RYAN K. PATRICK
United States Attorney

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VERIFICATION

I, Roberto Hein, a special agent with the Department of Homeland Security, hereby affirm and verify that the facts set forth in the foregoing Complaint for Forfeiture in Rem are true and correct to the best of my knowledge and belief.



ROBERTO HEIN
Special Agent, Homeland Security

Sworn and subscribed before me, the undersigned authority, on this Ninth day of October, 2018.



Notary Public in and for the State of Texas

My commission expires: July 21, 2020



